

**MINUTES OF THE MEETING OF THE
BAR - BENCH - MEDIA CONFERENCE**

A meeting of the Bar-Bench-Media Conference was held on Thursday, November 16, 1995 at 1:00 p.m. in the News Journal Conference Room in New Castle. The meeting was open to the public. Notice of the meeting had been posted. The members of the Conference in attendance were:

Members from the Print News Media

Tamara Brittingham
Rita Farrell
John Sweeney
John Taylor

Members from the Electronic News Media

Allen Loudell
William Osborne

Members from the Bench

Justice Randy J. Holland
Vice Chancellor Jacobs
Judge Jay Paul James
Judge Roderick R. McKelvie

Members from the Bar

Eugene H. Bayard, Esquire
Richard D. Kirk, Esquire
Harvey B. Rubenstein, Esquire

Tammy Brittingham called the meeting to order. The minutes of the

previous meeting were approved. Valerie Bender, Managing Editor of the News Journal attended the meeting and was introduced to the Conference by John Taylor.

Bill Osbourne reported that the FOIA Committee had met. Bill said that Harvey Rubenstein had become chair of the Committee. The current planning called for a half day seminar in Wilmington. If that seminar was well attended and generated interest, a second seminar might be held in either Kent or Sussex County. The Wilmington seminar will be in two parts. John Welch of the Department of Justice, Ralph Durstein on behalf of Common Cause, Richard Elliott of Richards, Layton & Finger will discuss the Delaware FOIA statute and judicial decisions construing the statute. The discussion will be in lay terms to inform agencies and boards as to their duties under the statute. The second part of the seminar would be a roundtable discussion with a moderator, media representatives, lawyers, judges, and board and agency representatives on the panel. Among the topics to be discussed are media expectations and needs under FOIA, compliance with FOIA by agencies and boards, and reasonable access to public information. The audience will be able to ask questions during this part of the seminar. Further details will be discussed by the FOIA Committee at its next meeting on December 7, 1995.

Gene Bayard said the FOIA Committee should consider adding the Sunshine Law to the program. Harvey Rubenstein said that the FOIA Committee would discuss Gene's suggestion. Steve Taylor suggested that the Conference ask Delaware Technical and Community College if the Conference could use its television hookups to simultaneously transmit the seminar to Dover and Georgetown. John Taylor said that he would speak to President George about the possibility. Rita Farrell suggested that the Conference compile a list of organizations that are subject to the FOIA statute. Rita stressed that the main topic of the FOIA seminar should be accessibility of public information and what constitutes reasonable access. Harvey responded that the seminar could cover these issues but presenters could not give legal advice. Tammy Brittingham suggested that all seminar attendees be given a chance during registration on the day of the seminar to write a question down for consideration by the panel during the roundtable discussion. These ideas will be discussed at the next FOIA meeting.

John Sweeney reported on the activities of the Education Committee. A program on death penalty procedures was held on October 26, 1995. Judge McKelvie was the sponsor of the program, and eighteen people attended. There was a good exchange of information. The next program will concern the Justice

of the Peace Courts. John will talk with Judge McKelvie about a proposal to have a program on the sealing of court documents. It was noted that the FOIA seminar may identify other subjects that could develop into program ideas for the Education Committee. John said that the Committee planned to have a program every couple of months.

Bill Osbourne asked Justice Holland what was the status in the Supreme Court of the Conference's proposal to expand electronic media coverage to the trial courts. Justice Holland said that there was no timetable for a decision. The Court discusses the proposal each month at its administrative conference. The Court's focus is on many diverse issues within the proposal. The Court is aware of the issues raised by the O.J. Simpson trial. Among the issues being considered by the Court are: (1) does electronic media coverage prolong trials, (2) the impact of electronic media coverage on litigants, witnesses, and lawyers and (3) the proposal to build a new Justice Center with state of the art electronic capabilities among other considerations. The Court needs to narrow the issues and will ask the Conference for help as needed.

Rita Farrell asked the Conference again if the Conference should sponsor a program on the Simpson trial and the issues raised by the trial. Tammy suggested that Rita talk to John Sweeney about holding a program.

Harvey Rubenstein reported on the Bar Association's plan to sponsor a celebration of the centennial of the Delaware State Constitution of 1897. Harvey noted that Justice Holland was the co-chair of the centennial celebration. Harvey said that general discussions are being held to begin the planning process. As more specifics as to the program become available, Harvey will be reporting to the Conference and asking the Conference for help in either sponsoring programs or providing logistical and personnel support.

Tammy asked Steve Taylor if he was able to get the draft of the public access policy that was prepared for the Executive Committee of the Judicial Conference by a committee chaired by Chief Magistrate Griffin. Steve reported that the Chief Magistrate Griffin had presented the draft to the Executive Committee for review, and the Executive Committee had distributed the draft to various judicial entities. The Chief Magistrate told Steve that she did not have the authority to provide the draft to the Bar-Bench-Media Conference. Justice Holland said he would speak to the Chief Justice and that the draft would be distributed to the Bar-Bench-Media Conference for comment before the Supreme Court acts on the draft.

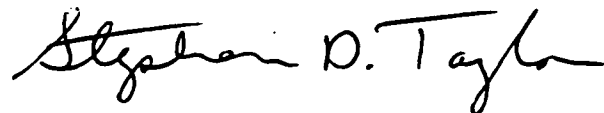
Vice Chancellor Jacobs suggested that the Conference begin to study the impact that the Internet will have on the courts, the media, and lawyers. It was

decided that an Internet Committee should be formed to distribute information about the Internet to the Conference. The Committee was formed with Judge McKelvie as the chair. The other members of the Committee are Vice Chancellor Jacobs, Marilyn Buerke, and Dick Kirk. Members of the Conference should send any relevant Internet articles to this new Committee. Any questions that a conference member has about the Internet should also be sent to this Committee.

Dick Kirk mentioned that the ABA was holding a program in January 1996 in Florida on the clash between journalism and justice. If any Conference member is interested in attending, please contact Dick Kirk for information.

The next meeting of the Conference is scheduled for Thursday, January 11, 1995 at 1:00 p.m. at the News Journal Building on Basin Road in New Castle. The meeting was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephen D. Taylor". The signature is written in dark ink and is positioned below the typed name "Stephen D. Taylor".

Date: December 18, 1995